

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADAUNITED STATES OF AMERICA
vs.

JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: 03:04-CR-10-ECR-VPC

JERMAINE ALONZO MITCHELL,

USM NUMBER: 37902-048

THE DEFENDANT:

() pled guilty to count _____
 () pled nolo contendere to count(s) _____ which was accepted by the court.
 (X) was found guilty on counts ONE (1) and TWO (2) of Superseding Indictment filed 8/11/04 after a plea of not guilty.

<input checked="" type="checkbox"/> FILED	RECEIVED
<input type="checkbox"/> ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JAN 10 2008	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY	DEPUTY

The defendant is adjudicated guilty of these offense(s):

Title & Section	Nature of Offense	Offense Ended	Count
21:841(a)(1)	Possession with Intent to Distribute Cocaine Base	Jan, 2004	1
21:844	Simple Possession of marijuana	Jan, 2004	2

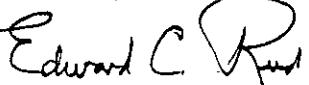
The defendant is sentenced as provided in pages 2 through **7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

() The defendant has been found not guilty on count(s) _____
 () Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and United States attorney of material changes in economic circumstances.

January 4, 2008

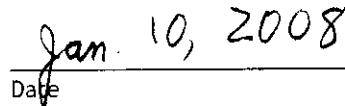
Date of Imposition of Judgment



Signature of Judge

EDWARD C. REED, JR., SENIOR USDJ

Name and Title of Judge



AO 245B (Rev. 12/03) Judgment in a Criminal Case
Sheet 2 - Imprisonment

DEFENDANT: MITCHELL, JERMAINE ALONZO
CASE NUMBER: 03:04-CR-10-ECR

Judgment - Page 2

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a mandatory total term of LIFE, without release, as to Count ONE (1), and for a total term of NINETY (90) days, as to Count Two; sentences of Count 1 and Count 2 shall run concurrently with each other.

The court makes the following recommendations to the Bureau of Prisons: THAT defendant receive credit for all time served in federal custody in connection with this offense; THAT, while incarcerated, that defendant receive mental health treatment; THAT defendant be incarcerated at FCI Herlong, CA, if he qualifies for that facility, or, in the closest federal facility to the Reno, Nevada area, for visitation by family. In the event this recommendation cannot be complied with, the Court requests that the Bureau of Prisons provide a written explanation to the Court.

The defendant is remanded to the custody of the United States Marshal.

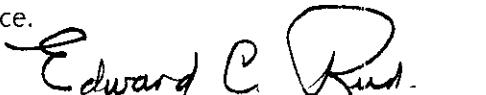
The defendant shall surrender to the United States Marshal for this district:

at _____ a.m./p.m. on _____
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

Dated this 10 day of January, 2008


EDWARD C. REED, JR., SENIOR USDJ

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

BY:

Deputy United States Marshal

AO 245B (Rev 12/03) Judgment in a Criminal Case
Sheet 3 - Supervised Release

DEFENDANT: MITCHELL, JERMAINE ALONZO
CASE NUMBER: 03:04-CR-10-ECR

Judgment - Page 3

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of TEN (10) YEARS, as to Count 1, and for a term of THREE (3) YEARS, as to Count 2, to run concurrently with each other.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance, and shall submit to one drug test within 15 days of the commencement of supervision, and at least two periodic drug tests thereafter, not to exceed 104 drug tests annually. Revocation is mandatory for refusal to comply.

- () The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.
- (X) The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.
- (X) The defendant shall cooperate in the collection of DNA as directed by the probation officer.
- () The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer.
- () The defendant shall participate in an approved program for domestic violence.

If this judgment imposes a fine or a restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

SEE ADDITIONAL SPECIAL CONDITIONS OF SUPERVISED RELEASE ON PAGE 4

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Dated this 10 day of January, 2008

EDWARD C. REED, JR., SENIOR USDJ

A 245B (Rev. 12/03) Judgment in a Criminal Case
Sheet 3 - Supervised Release

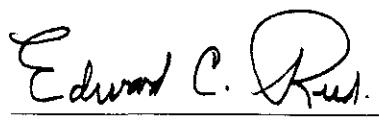
DEFENDANT: MITCHELL, JERMAINE ALONZO
CASE NUMBER: 03:04-CR-10-ECR

Judgment - Page 4

SPECIAL CONDITIONS OF SUPERVISION

1. Possession of Illegal Controlled Substance - The defendant shall not possess illegal controlled substances.
2. Possession of Weapon - The defendant shall not possess, have under his control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state or local law.
3. Warrantless Search - The defendant shall submit to the search of his person, and any property, residence, or automobile under his control by the probation officer, or any other authorized person under the immediate and personal supervision of the probation officer without a search warrant at a reasonable time and in a reasonable manner, if the probation officer has reasonable suspicion to believe you have violated a condition or conditions of release.
4. Mental Health Counseling - The defendant shall participate in and complete a mental health treatment program, which may include out-patient counseling or residential placement, as approved and directed by the probation officer, and shall contribute to the cost of such treatment as approved and directed by the probation officer, based on defendant's ability to pay.
5. Access to Financial Information - The defendant shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which the defendant has a control or interest.
6. Denial of Federal Benefits for Drug Traffickers - 21 U.S.C. 862(a). The defendant shall be permanently ineligible for all federal benefits for LIFE.
7. Report to Probation Officer After Release from Custody - The defendant shall report in person to the probation office in the District to which the defendant is released within 72 hours of release from custody.

Dated this 10 day of January, 2008



EDWARD C. REED, JR., SENIOR USDJ

AO 245B (Rev 12/03) Judgment in a Criminal Case
Sheet 5 - Criminal Monetary Penalties

DEFENDANT: MITCHELL, JERMAINE ALONZO
CASE NUMBER: 03:04-CR-10-ECR

Judgment - Page 5

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$200.00	\$
	Due and payable immediately.	

- () On motion by the Government, IT IS ORDERED that the special assessment imposed by the Court is remitted.
- () The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- () The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
<u>TOTALS</u>	\$ _____	\$ _____	

Restitution amount ordered pursuant to plea agreement: \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the: () fine () restitution.
 the interest requirement for the: () fine () restitution is modified as follows:

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

Dated this 10 day of January, 2008


EDWARD C. REED, JR., SENIOR USDJ

AO 245B (Rev 12/03) Judgment in a Criminal Case
Sheet 6 - Schedule of Payments

DEFENDANT: MITCHELL, JERMAINE ALONZO

Judgment - Page 6

CASE NUMBER: 03:04-CR-10-ECR

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 200.00 due immediately, balance due
 () not later than _____; or
 () in accordance with () C, () D, or () E below; or
- B Payment to begin immediately (may be combined with () C, () D, or () E below; or
- C Payment in _____ (e.g., weekly, monthly, quarterly) installments of \$ _____
 over a period of _____ (e.g. months or years), to _____ (e.g., 30 or
 60 days) after the date of this judgment; or
- D Payment in _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____
 (e.g., months or years), to _____ (e.g., 30 or 60 days) after release from imprisonment
 to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after
 release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability
 to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary
 penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal
 Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and
 Several Amount, and corresponding payee, if appropriate.

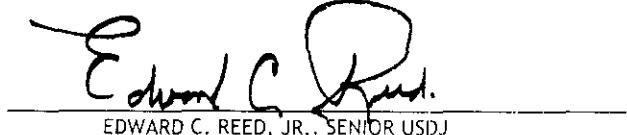
The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine
 principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court
 costs.

Dated this 10 day of January, 2008



EDWARD C. REED, JR., SENIOR USDJ

AO 245B (Rev 12/03) - Judgment in a Criminal Case
Sheet 7 - Denial of Federal Benefits

DEFENDANT: MITCHELL, JERMAINE ALONZO
CASE NO.: 03:04-CR-10-ECR

Judgment - Page 7

DENIAL OF FEDERAL BENEFITS
(For Offenses Committed On or After November 18, 1988)

FOR DRUG TRAFFICKER PURSUANT TO 21 U.S.C. § 862

IT IS ORDERED that the defendant shall be:

() ineligible for all federal benefits for a period of _____
 () ineligible for the following federal benefits for a period of _____
 (specify benefit(s)) _____

OR

() Having determined that this is the defendant's third or subsequent conviction for distribution of controlled substances, IT IS ORDERED that the defendant shall be permanently ineligible for all federal benefits.

FOR DRUG POSSESSORS PURSUANT TO 21 U.S.C. § 862(b)

IT IS ORDERED that the defendant shall:

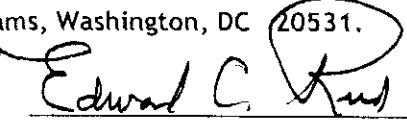
() be ineligible for all federal benefits for a period of _____
 () be ineligible for the following federal benefits for a period of _____
 (specify benefit(s)) _____

 () successfully complete a drug testing and treatment program.
 () perform community service, as specified in the probation and supervised release portion of this judgment.
 () Having determined that this is the defendant's second or subsequent conviction for possession of a controlled substance, IT IS FURTHER ORDERED that the defendant shall complete any drug treatment program and community service specified in this judgment as a requirement for the reinstatement of eligibility for federal benefits.

Pursuant to 21 U.S.C. § 862(d), this denial of federal benefits does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility. The clerk of court is responsible for sending a copy of this page and the first page of this judgment to:

U.S. Department of Justice, Office of Justice Programs, Washington, DC 20531.

Dated this 10 day of January, 2008


EDWARD C. REED, JR., SENIOR USDJ